IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 34271 of 2007(S)

PETITIONER:

M.S.OMANAKKUTTAN,
AGED 33 YEARS,
S/O SREEDHARAN,
MEMBER OF PANCHAYATH,
CHERANELLOOR PANCHAYATH,
RESIDING AT MANGALASSERY HOUSE,
CHERANELLOOR PANCHAYATH,
ERNAKULAM DISTRICT.

BY ADV. SRI.SIVAN MADATHIL

RESPONDENTS:
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1. CHERANELLOOR GRAMAPANCHAYATH,
ERNAKULAM DISTRICT,
REPRESENTED BY ITS SECRETARY.

2. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT,
COLLECTORATE, CIVIL LANES,
KAKKANAD.

3. THE VILLAGE OFFICER,
CHERANELLOOR VILLAGE,
ERNAKULAM DISTRICT.

4. M/S ARUNA PROMOTORS PVT. LTD.,
AVENUE NO.4,
BANJARA HILLS,
HYDERABAD, PIN 500034,
REPRESENTED BY ITS COMPANY EXECUTIVE.

5. THE PROJECT MANAGER,
M/S SUNCON - SOMA JV.,
ROHINI 34/1386,
ANCHUMANA ROAD,
EDAPPALLY P.O.,
COCHIN-682024.

6. THE PROJECT DIRECTOR,
NATIONAL HIGHWAY AUTHORITY OF INDIA,
VYTTILA JN.,
ERNAKULAM,
COCHIN-682019.

BY SR. GOVERNMENT PLEADER SMT. K. MEERA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 34271 OF 2007

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Dated this the 6th December , 2007

J U D G M E N T

H.L. Dattu, C.J.:

The petitioner is a public spirited citizen and also a member of Cheranalloor Panchayath, Kanayannur Taluk. He is before this court seeking for the following reliefs:

> *"i) Issue a writ of certiorari to quash Ext.P9 order of the District Collector dated 19.09.2007.*
>
> *ii) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 6th respondent and their agency not to undertake any reclamation work for the construction of access to the proposed base camp.*
>
> *iii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to reconsider his earlier direction and consider alternate possibility of making the access to the proposed base camp from National Highway without reclaiming the farmland.*
>
> *iv) Issue any other writ, order or direction which this Hon'ble Court deem fit and proper as per the facts and circumstances of the case."*

2. By Ext.P9 order dated 19.09.2007, the District Collector, Ernakulam has granted permission to the 6th respondent-Project Director,

National Highways Authority of India to reclaim 6.3 acres of land in Sy.Nos. 38/6, 40/1, 39/1, 39/5, 40/5, 8, 2,7 and 38/5 of Cheranelloor Village in Kanayannur Taluk for setting up of base camp.

3. One M.N. Sateesh Kumar who is a similarly placed person like the petitioner, being aggrieved by Ext.P9 order passed by the District Collector, Ernakulam had lodged a complaint before the Principal Secretary to Government (Revenue Department). On receipt of the aforesaid complaint, the Principal Secretary to Government, Revenue Department had passed an order dated 17.11.2007 inter alia staying all activities in the aforesaid land and has directed to maintain status quo , till the disposal of the complaint filed by M.N. Sateesh Kumar.

4. Since the Government have already considered the matter and some orders have been passed by the Principal Secretary to the Government, at this stage, in our opinion, no orders need be issued in this Writ Petition. Accordingly, we dispose of the Writ Petition as having become unnecessary, for the present. However, we grant liberty to the petitioner, if he so desires, to participate in the proceedings that are pending before the Principal Secretary to Government, Revenue Department. If for any reason, the petitioner makes such an application, we direct the Principal Secretary to Government, Revenue Department to afford an opportunity of being heard to the petitioner. We also reserve liberty to the petitioner to produce such

materials which are available to him including those materials produced in this Writ Petition, before the Principal Secretary to the Government, Revenue Department to contest his case.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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